

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
GREENBELT DIVISION

COSTAR REALTY INFORMATION and
COSTAR GROUP, INC.,

Plaintiffs,

v.

MARK FIELD D/B/A ALLIANCE
VALUATION GROUP, *et al.*

Defendants.

Civil Action No. 8:08-CV-663-AW

**DECLARATION OF ROBERT
LARDIZABAL**

I, Robert Lardizabal, declare as follows:

1. My name is Robert Lardizabal. I am employed by CoStar Group, Inc. ("CoStar") as Technical Manager in CoStar's Product Development department. As a result of the responsibilities of my position at CoStar, I am extremely familiar with CoStar's database products, their functionality, and the data recorded by CoStar during use of those products. The statements in this declaration are based upon personal knowledge and I would testify to such statements under oath if called upon as a witness.

2. CoStar's database products are offered through an interface that users can access through CoStar's website, www.costar.com. In order to gain access to CoStar's products, users must enter their user names and passwords. For additional security, CoStar provides users with an electronic certificate that acts to limit use of each user's account to the single computer that downloads the certificate. For those users who do not want to be limited to a single computer, CoStar will offer them the ability to log in using a secure access device (known as a "DigiPass")

or key token) that requires entry of a number generated by the secure access device at the time the user logs in to CoStar.

3. CoStar's database servers maintain detailed records of each user's access to CoStar's products in the ordinary course of CoStar's business operations. Among a number of other things, CoStar records the Internet address (the Internet Protocol or "IP address") from which the user is accessing CoStar, the time and date of the user's access, the number of pages the user has been served by CoStar's servers, and related data. In addition, CoStar records the identities of the specific property records that the user has retrieved from CoStar's database. In other words, CoStar's database records can determine which properties a user has looked at.

4. In addition, certain of CoStar's products allow customers to "save" reports generated from searches of CoStar's databases for later use. These "saved" reports are stored on CoStar's computer servers for later use through CoStar's web-based service. As with the records of each user's access, CoStar associates (and thus records) the IP address of the computer "saving" the report. As such, CoStar is able to determine whether there are any "saved" reports associated with access to CoStar's products through a particular IP address.

5. When CoStar users call up property records from CoStar's database, including as part of search reports, they are actually sending a request through the Internet for a copy of those property records to be displayed on their computer. CoStar sends the user's computer the digital information necessary to create a copy of the text and photograph on the user's own computer and display it on the user's screen in the format designated by CoStar. The copy of the property photograph created by the user's computer is stored in the computer's temporary memory, or, if the user desires, can be stored in the computer's permanent memory if the user saves the

photograph to that permanent memory (such as by right-clicking the photographing and selecting "Save Picture As").

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 20th day of October at Bethesda, Maryland.



Robert Lardizabal